

JS-44 (Rev. 6/13 RI)

**CIVIL COVER SHEET****I. (a) PLAINTIFFS**

Jason A. Richer

(b) County of Residence of First Listed Plaintiff Providence  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Thomas W. Lyons, Strauss, Factor, Laing & Lyons  
One Davol Square, Suite 305, Providence, RI  
02903, (401) 456-0700**DEFENDANTS**

Town of North Smithfield, et al.

County of Residence of First Listed Defendant Providence  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ U.S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)**Admiralty**

- ☐ 120 Marine (Other)
- ☐ 340 Marine (Injury to Seamen)

**Admin/Agency Appeals Other**

- ☐ 890 Other Statutory Actions (APA Appeals, IDEA Appeals, Other)

**Bankruptcy**

- ☐ 422 Appeal 28 U.S.C. § 158
- ☐ 423 Withdrawal 28 U.S.C. § 157

**Banks and Banking**

- ☐ 140 Negotiable Instruments
- ☐ 430 Banks and Banking

**Anti-trust**

- ☐ 410 Anti-Trust

**Construction Contracts**

- ☐ 130 Miller Act
- ☐ 190 Other Contracts

**Securities Law & Stockholder Suits**

- ☐ 160 Stockholders' Suits
- ☐ 850 Securities/Commodities/Exchange

**Other - Business/Comm.**

- ☐ 196 Franchise
- ☐ 490 Cable/Satellite TV

**Consumer Credit**

- ☐ 190 Other Contracts
- ☐ 371 Truth in Lending
- ☐ 480 Consumer Credit

**Constitutional Law**

- ☐ 950 Constitutionality of State Statutes
- ☐ 440 Other Civil Rights (Constitutionality of Federal Statutes)

**Elections and Voting**

- ☐ 400 State Reapportionment
- ☐ 441 Voting

**Other - Civil Rights**

- ☒ 440 Other Civil Rights
- ☐ 443 Housing/Accommodations
- ☐ 446 Americans with Disabilities
- ☐ 448 Civil Rights-Education

Civil Rights

**Copyright & Trademark (Intellectual Property)**

- ☐ 820 Copyright
- ☐ 840 Trademark

**Employment Discrimination**

- ☐ 442 Employment
- ☐ 445 Americans with Disabilities-Employment
- ☐ 440 Other -Civil Rights

**ERISA**

- ☐ 791 Employment Ret. Inc. Security Act

**Other Employment Benefits**

- ☐ 190 Other - Contract
- ☐ 442 Other - Employment

Employment and Employee Benefits

**Environmental Law**

- ☐ 893 Environmental Matters
- Immigration**
- ☐ 462 Naturalization App.
- ☐ 465 Other Immigration Actions

**Indian Law**

- ☐ 890 Other Statutory Actions

**Insurance**

- ☐ 110 Insurance Contract

**Labor and Occupational Safety**

- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations Act
- ☐ 740 Railway Labor Act
- ☐ 751 Labor: Family and Medical Leave Act
- ☐ 790 Other Labor Litigation

**Miscellaneous Civil Cases**

- ☐ 150 Recovery of Overpayment and Enforcement of Judgment (Collections)
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (excluding Veterans)
- ☐ 153 Recovery of Overpayment of Veterans' Benefits
- ☐ 370 Other Fraud
- ☐ 375 Other Statutes: False Claims Act
- ☐ 440 Other Civil Rights (Immigration/Deportation)
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 625 Drug related seizure of property

CONTINUED  
ON  
REVERSE SIDE**Miscellaneous Civil Cases Continued**

- ☐ 690 Other (Forfeiture/Penalty)
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party (26 U.S.C. § 7609)
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 895 Freedom of Information Act
- ☐ 896 Other Statutes: Arbitration
- ☐ 899 Other Statutes: Admin. Procedures Act/Review/ Appeal of Agency Decision

**Patents (Intellectual Property)**

- ☐ 830 Patents

**Prisoner Petitions****HABEAS CORPUS**

- ☐ 463 Alien Detainee(Habeas)
- ☐ 510 Motions to Vacate Sentence (Habeas)
- ☐ 530 General (Habeas)
- ☐ 535 Death Penalty (Habeas)

**OTHER**

- ☐ 540 Mandamus and Other
- ☐ 550 Civil Rights (1983)
- ☐ 555 Prison Conditions(1983)
- ☐ 560 Civil Detainee-Cond. of Confinement

**Real and Personal Property**

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease and Ejectment
- ☐ 240 Torts to Land
- ☐ 290 All other Real Property
- ☐ 380 Other Personal Property Damage

**RICO**

- ☐ 470 RICO

**Social Security**

- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

**Mass Torts**

- ☐ 360 Other Personal Injury

**Products Liability**

- ☐ 195 Contract Product Liability
- ☐ 245 Tort Product Liability
- ☐ 315 Airplane Product Liability
- ☐ 345 Marine Product Liability
- ☐ 355 Motor Vehicle Product Liability
- ☐ 365 Personal Injury Product Liability
- ☐ 385 Property Damage Product Liability

**Professional Malpractice**

- ☐ 362 Personal Injury - Med. Malpractice

**Motor Vehicle Accidents/Slip and Fall**

- ☐ 350 Motor Vehicles
- ☐ 360 Other Personal Injury
- Other Torts and Personal Injury incl. Asbestos cases**

- ☐ 310 Airplane
- ☐ 320 Assault, Libel and Slander
- ☐ 330 Federal Employers' Liability
- ☐ 360 Other Personal Injury (Fed. Tort Claims Act)
- ☐ 367 Personal Injury: HealthCare/Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury

Torts and Personal Injury

<b>V. ORIGIN</b> (Place an "X" In One Box Only)						
<input checked="checked" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (Specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge From Magistrate Judgment
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <div style="font-size: 1.2em; font-weight: bold;">42 U.S.C. Sec. 1983</div>				
Brief description of cause:  violations of the 2nd and 14th Amendments of the United States Constitution and Art. 1, Sec. 2 and 22 of the RI Constitution						
<b>VII. REQUESTED IN COMPLAINT</b>		<input type="checkbox"/> Check if this is a Class Action Under F.R.C.P. 23			DEMAND \$ _____	
		JURY DEMAND: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No (Check YES <u>only</u> if demanded in complaint)				
<b>VIII. RELATED CASE(S) IF ANY</b>		JUDGE _____ DOCKET NUMBER _____				

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**4/23/15**

Date

**/s/ Thomas W. Lyons**

Signature of Attorney of Record

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. NATURE OF SUIT: Place an X in the appropriate box. Make sure to select the Nature of Suit from the category which best describes the primary cause of action found in your complaint. You must select only one nature of suit.
- VIII. RELATED CASES, IF ANY: This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**FOR OFFICE USE ONLY**

Receipt # \_\_\_\_\_ Amount \_\_\_\_\_ Applying IFP \_\_\_\_\_ Judge \_\_\_\_\_ Mag. Judge \_\_\_\_\_